IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Revision No.2498 of 2006
Date of decision: January 30, 2007.

Ranjit Singh @ Raju

...**Petitioner(s)**

v.

State of Punjab

...**Respondent(s)**

Present: Mrs. G.K. Mann, Advocate for the petitioner.

Surya Kant, J. (Oral)

This revision petition is directed against the order dated August 4, 2006 whereby the learned Additional Sessions Judge, Ludhiana has framed charges against the petitioner under section 304 IPC.

The petitioner's simple contention is that the death of two women was caused by him due to alleged rash and negligent driving of the vehicle, therefore, the offence falls within the ambit of section 304-A IPC and not under section 304 IPC.

However, on a perusal of the statement of Harpreet Singh – the complainant (Annexure P1), it is patently clear that the petitioner, while driving the vehicle in a drunken condition, firstly, attempted to hit the complainant but he having escaped, the petitioner deliberately and knowingly hit the complainant's mother and aunt (Jasvir Kaur and Charanjit Kaur respectively), as a result of which the complainant's mother died at the spot whereas his aunt (Charanjit Kaur), who was rushed to Sarabha Hospital, also succumbed to her injuries.

Learned Counsel for the petitioner relies upon a judgment of the Supreme Court in the case of **State of Maharashtra v. Salman Salim Khan & Anr.**, 2004(1) SCC 525 and contends that in such like cases,

charge under section 304-A IPC only should have been framed. She has also referred to two judgments of this Court in the cases of **Samran Singh v. State of Haryana**, 1999(4) RCR (Crl.) 495 and **Rajinder Singh v. State of Punjab**., 2001(1) RCR (Crl.) 537.

In **Salman Salim Khan**'s case (supra), the Apex Court observed as follows:-

> "*12. .... In a case praying for quashing of the charges, the principle to be adopted by the High Court should be that if the entire evidence produced by the prosecution is to be believed, would it constitute an offence or not. The truthfulness, the sufficiency and acceptability of the material produced at the time of framing of charge can be done only at the stage of trial. ..... At the same time we are also in agreement with the arguments of learned counsel for the respondents that even the Sessions Court ought not to have expressed its views in such certain terms which indicates that the Sessions Court had taken a final decision in regard to the material to establish a charge punishable under section 304 Part II, IPC.*"

In this view of the above discussion and having regard to the specific allegations made in the FIR and in the statement of the complainant, there appears to be no infirmity in the order dated August 4, 2006 whereby charges under section 304 IPC have been framed against the petitioner.

Dismissed.

January 30, 2007. [**Surya Kant**]
kadyan **Judge**